

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X **Docket#**
UNITED STATES OF AMERICA, : 15-cr-348 (ERK) (VMS)
: :
- versus - : U.S. Courthouse
: Brooklyn, NY
MARTINEZ-ROJAS, :
Defendant : April 6, 2017
-----X

TRANSCRIPT OF CRIMINAL CAUSE FOR PLEADING
BEFORE THE HONORABLE VERA M. SCANLON
UNITED STATES MAGISTRATE JUDGE

A P P E A R A N C E S:

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1 THE CLERK: Criminal Cause for hearing, docket:
2 15-cr-348 United States of America v Martinez-Rojas.

3 Spanish Interpreter, can you please state your
4 name for the record.

5 MR. MICHELENE: Federal certified Spanish
6 Interpreter, Mario Michelene.

7 THE CLERK: Thank you.

8 Counsel, can you state your name for the
9 record.

10 MS. LEE: For the United States, Maggie Lee.
11 Good afternoon, your Honor.

12 MR. ROSENBERG: Good afternoon, your Honor.
13 Richard Rosenberg for Mr. Odillon Martinez-Rojas.

14 THE COURT: All right. Good afternoon.
15 All right. Good afternoon. My name is Vera
16 Scanlon. I'm one of the magistrate judges here.

17 Let's first start this change of plea hearing
18 with a question for the government.

19 Are there any victims of the offense and if so
20 has the government fulfilled its obligation to notify
21 them of the government hearing and their right to attend
22 and be heard?

23 MS. LEE: Yes, your Honor. There are victims
24 and the government provided them all with notification of
25 this hearing.

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1 THE COURT: Okay. So there's nobody here.
2 Were you expecting anyone here today?

3 MS. LEE: No, we weren't expecting anyone here
4 today. We are expecting them to participate, either in
5 person or on paper at the time of sentencing.

6 THE COURT: Okay.

7 All right. So, Mr. Martinez-Rojas, I'm going
8 to ask my deputy to administer an oath to you. So if you
9 would please stand.

10 O D I L O N M A R T I N E Z - R O J A S, called as a
11 witness, having been first duly sworn testifies as
12 follows:

13 THE COURT: All right. So, Mr. Martinez-Rojas,
14 as you may know, this case has been assigned to a
15 district judge, Judge Korman. Judge Korman is the judge
16 who will make the ultimate decision as to whether to
17 accept your guilty plea and if he does to sentence you.
18 So you have the absolute right to have the district
19 judge, Judge Korman, listen to your plea. If you'd like
20 him to do that, there won't be any prejudice to you from
21 making that choice. Do you understand?

22 THE DEFENDANT: Yes.

23 THE COURT: In today's proceeding, we're making
24 a recording so as we go along it would be helpful if
25 anyone who's speaking uses the microphone. A transcript

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1 of the proceeding will be prepared by a court reporter
2 and that transcript will be provided to the district
3 judge. Judge Korman will review the transcript of
4 today's proceeding in connection with deciding whether to
5 accept your plea and if he does, with your sentence.

6 Do you wish to give up your right to have the
7 district judge listen to your plea and instead proceed
8 here before me today?

9 THE DEFENDANT: Yes, that's fine.

10 THE COURT: All right. In connection with that
11 I have this form, which is a consent to have a plea taken
12 before United States Magistrate Judge Vera M. Scanlon.
13 That's me. This form is written in English. Was it read
14 to you or translated for you into Spanish?

15 THE DEFENDANT: Yes.

16 THE COURT: And did you go over it with your
17 attorney?

18 THE DEFENDANT: Yes.

19 THE COURT: And do you understand the form?

20 THE DEFENDANT: Yes.

21 THE COURT: And are you in agreement with what
22 it says in the form?

23 THE DEFENDANT: Yes, it's fine.

24 THE COURT: All right. I'm going to point to
25 the first signature on the page and ask you, is that your

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1 signature?

2 THE DEFENDANT: Yes.

3 THE COURT: Mr. Rosenberg, below that, is that
4 your signature?

5 MR. ROSENBERG: Yes, it is, your Honor.

6 THE COURT: And, Ms. Lee, is that your
7 signature?

8 MS. LEE: Yes, your Honor.

9 THE COURT: All right. So, Mr. Martinez-Rojas,
10 do you give your consent voluntarily and of your own free
11 will to proceed here before me today?

12 THE DEFENDANT: Yes.

13 THE COURT: And has anyone made any threats or
14 promises to you to get you to proceed here before me
15 today?

16 THE DEFENDANT: No.

17 THE COURT: All right. I'm going to explain a
18 little about how today is going to work.

19 Before I hear your guilty plea, I'm going to
20 have to explain to you some of aspects of the U.S.
21 criminal justice system. I'm also going to have to ask
22 you a number of questions in order to assure myself and,
23 in turn, the district judge, that your plea is, in fact,
24 a valid plea. As we go along today, if you don't
25 understand what I'm saying or you don't understand my

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1 questions, please let me know and I'll try to clarify
2 what I said.

3 Do you understand that you have the right to be
4 represented by an attorney at trial and at every other
5 stage of the criminal proceedings, including this one?

6 THE DEFENDANT: Yes.

7 THE COURT: Do you understand that if you can't
8 afford an attorney, the court may appoint an attorney for
9 you?

10 THE DEFENDANT: Yes.

11 THE COURT: Mr. Rosenberg, are you appointed
12 counsel?

13 MR. ROSENBERG: I am CJA, yes, your Honor.

14 THE COURT: All right. As we go along today
15 Mr. Martinez-Rojas, if at any time you'd like to speak
16 with Mr. Rosenberg, let me know and I'll let you do so.
17 So if you need anything clarified, you could speak to
18 Mr. Rosenberg first and then you could speak to me or
19 he'll speak to me. Do you understand?

20 THE DEFENDANT: Yes.

21 THE COURT: All right. So Ms. Quinlan just
22 administered to you an oath in which you swore to tell
23 the truth. So that means if you answer any of my
24 questions falsely, your answers may later be used against
25 you in a separate prosecution for the crime of perjury or

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1 of making a false statement. Do you understand?

2 THE DEFENDANT: Yes.

3 THE COURT: All right. We're going to start
4 with some background questions.

5 What is your full name?

6 THE DEFENDANT: Odilon Martinez-Rojas.

7 THE COURT: Okay. And how old are you?

8 THE DEFENDANT: Forty-six years old.

9 THE COURT: What's the highest level of
10 education that you completed at school?

11 THE DEFENDANT: Sixth year of elementary
12 school.

13 THE COURT: So how old were you when you
14 finished the sixth year?

15 THE DEFENDANT: Twelve.

16 THE COURT: And since then have you had any
17 formal education?

18 THE DEFENDANT: No.

19 THE COURT: And where did you finish your last
20 year of school?

21 THE DEFENDANT: In Mexico.

22 THE COURT: Okay. What was the name of the
23 school?

24 THE DEFENDANT: Benito Juarez.

25 THE COURT: And where was it located in Mexico?

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1 THE DEFENDANT: In Tlaxcala.

2 THE COURT: Okay. All right. A different kind
3 of background question.

4 Are you presently or have you recently been
5 under the care of a doctor or a physician?

6 THE DEFENDANT: No.

7 THE COURT: Are you presently or have you
8 recently been under the care of any mental health
9 professional, such as a psychiatrist, psychologist or
10 social worker?

11 THE DEFENDANT: No.

12 THE COURT: Have you been hospitalized or
13 treated for a mental illness?

14 THE DEFENDANT: No.

15 THE COURT: Have you ever been hospitalized or
16 treated for an addiction to drugs or alcohol?

17 THE DEFENDANT: No.

18 THE COURT: In the past 24 hours have you
19 consumed any narcotic drugs?

20 THE DEFENDANT: No.

21 THE COURT: In the past 24 hours have you
22 consumed any alcohol?

23 THE DEFENDANT: No.

24 THE COURT: And in the past 24 hours have you
25 taken any kind of medication?

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1 THE DEFENDANT: No.

2 THE COURT: Is your mind clear as you sit here
3 today?

4 THE DEFENDANT: Yes.

5 THE COURT: And do you understand these
6 proceedings?

7 THE DEFENDANT: Yes.

8 THE COURT: All right.

9 I'm going to direct a few questions to
10 Mr. Rosenberg. Have you discussed this case with your
11 client?

12 MR. ROSENBERG: I have, your Honor.

13 THE COURT: And do you speak Spanish or have
14 you had the assistance of a Spanish --

15 MR. ROSENBERG: No, your Honor. I've always --

16 THE COURT: -- interpreter?

17 MR. ROSENBERG: -- had the assistance of an
18 interpreter. In fact, I've had the superseding
19 indictment translated into the Spanish language by an
20 official court interpreter, it was a Carlos Finant (ph).
21 We've reviewed that and I've been -- also had the plea
22 agreement translated into Spanish by Mr. Finant and that
23 has been reviewed as well in the Spanish language with my
24 client.

25 THE COURT: All right. And we'll get to this

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1 in a little more detail later this -- or this afternoon
2 but there were some additions, I know, made to the plea
3 agreement. Did you review those in Spanish with your
4 client?

5 MR. ROSENBERG: Yes, we have.

6 THE COURT: And did you have the assistance of
7 the interpreter here today in doing that?

8 MR. ROSENBERG: Correct, your Honor.

9 THE COURT: All right. Did you have any
10 difficulty communicating with your client at any point?

11 MR. ROSENBERG: No, your Honor.

12 THE COURT: In your opinion, is your client
13 capable of understanding these proceedings?

14 MR. ROSENBERG: Yes, your Honor.

15 THE COURT: In your opinion, does your client
16 understand the rights he'll be waiving by pleading
17 guilty?

18 MR. ROSENBERG: Yes.

19 THE COURT: Do you have any doubt as to your
20 client's competence to plead at this time?

21 MR. ROSENBERG: No.

22 THE COURT: Have you advised him of the
23 possible sentencing consequences, including the mandatory
24 minimum sentence that he may face?

25 MR. ROSENBERG: I have, your Honor.

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1 THE COURT: Have you discussed with him the
2 operation of the sentencing guidelines?

3 MR. ROSENBERG: I have.

4 THE COURT: Okay. All right. Mr. Martinez-
5 Rojas, have you had a sufficient opportunity to discuss
6 this case with your client -- sorry, with your attorney?

7 THE DEFENDANT: Yes.

8 THE COURT: And did you do so with the
9 assistance of a Spanish language interpreter?

10 THE DEFENDANT: Yes.

11 THE COURT: Did you have any difficulty
12 communicating with your attorney?

13 THE DEFENDANT: No.

14 THE COURT: Are you fully satisfied with the
15 representation and legal advice given to you in this case
16 by your attorney, Mr. Rosenberg?

17 THE DEFENDANT: Yes.

18 THE COURT: All right.

19 There's a document called the "superseding
20 indictment." Sometimes I'm going to refer to it as the
21 "indictment." I'm holding up my copy. Have you read a
22 copy of this document in Spanish?

23 THE DEFENDANT: Yes.

24 THE COURT: Okay. Did you understand the
25 document?

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1 THE DEFENDANT: Yes.

2 THE COURT: Did you review the superseding
3 indictment with Mr. Rosenberg?

4 THE DEFENDANT: Yes.

5 THE COURT: Did you specifically review the
6 counts to which it's proposed that you are going to plead
7 guilty, which I understand are Counts 1 and Counts 23 of
8 the indictment?

9 THE DEFENDANT: Yes.

10 THE COURT: And did you also review with
11 Mr. Rosenberg the associated racketeering act?

12 THE DEFENDANT: Yes.

13 THE COURT: Okay. Okay.

14 Mr. Rosenberg, do you want me to read the
15 indictment or the parts of the indictment that relate to
16 your client?

17 MR. ROSENBERG: No, your Honor, we would waive
18 that reading.

19 THE COURT: Okay. All right.

20 Mr. Martinez-Rojas, I'm going to review some
21 aspects of the U.S. criminal justice system as they
22 relate to you in this case.

23 The first and most important thing you should
24 understand is that you don't have to plead guilty even if
25 you are guilty. Under the American legal system, the

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1 government or the prosecution has the burden of proving
2 the guilt of a defendant beyond a reasonable doubt. If
3 the prosecution or the government can't do that, or
4 doesn't do it, and they don't meet their burden of proof,
5 the jury, at your trial, has the duty to find the
6 defendant not guilty, even if the defendant is, in fact,
7 guilty. Do you understand?

8 THE DEFENDANT: Yes, yes, I do understand.

9 THE COURT: So what that means for you is even
10 if you are guilty, you have a choice. It's up to you to
11 decide what you want to do in your case. It's not your
12 lawyer's choice or anyone else's choice. You can
13 withdraw your previously entered plea of not guilty, and
14 plead guilty, as I'm told you wish to do, or you could
15 choose to go to trial in your case by persisting in your
16 plea of not guilty. If you do that, you'll make the
17 government meet its burden of proving your guilt beyond a
18 reasonable doubt. And as I just said earlier, if the
19 government doesn't carry its burden of proof, the jury
20 has the duty to find the defendant not guilty.

21 So you should know that it has sometimes
22 happened in American courtrooms, including in this
23 courthouse, that a jury has returned a verdict of not
24 guilty, although everyone else in the courtroom thought
25 the defendant had, in fact, committed the crime with

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1 which he was charged. What the jury was saying in that
2 case, or in those cases, was not that the defendant
3 wasn't guilty, but rather that the government had failed
4 to meet its burden or proving the defendant's guilt
5 beyond a reasonable doubt. Do you understand that?

6 THE DEFENDANT: Yes, I do understand.

7 THE COURT: So for you, you have a choice, you
8 can say to the United States government, prove the case
9 against me, meet your burden of proving my guilt beyond a
10 reasonable doubt. If you'd like to do that, when I ask
11 you how you plead, you should say "not guilty." If you
12 persist in your plea of not guilty, under the
13 Constitution and Laws of the United States, you are
14 entitled to a speedy and public trial by a jury, with the
15 assistance of an attorney, on the charges contained in
16 the indictment, which in this case is the superseding
17 indictment, which has been filed with the court. Do you
18 understand?

19 THE DEFENDANT: Yes, I do understand.

20 THE COURT: At a trial, you would be presumed
21 innocent, you would not have to prove your innocence; it
22 would be the government's burden to overcome the
23 presumption of innocence and prove you guilty by
24 competent evidence and beyond a reasonable doubt. And as
25 I said earlier, if the government did not meet its burden

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1 at trial, the jury would have the obligation to find you
2 not guilty. Do you understand?

3 THE DEFENDANT: Yes, I do understand.

4 THE COURT: If you plead guilty, you're giving
5 up your right to have the United States government
6 satisfy its burden of proving your guilt beyond a
7 reasonable doubt. Instead, you're admitting your guilt.
8 Do you understand that?

9 THE DEFENDANT: Yes.

10 THE COURT: Were there to be a trial in your
11 case, the witnesses for the government would have to come
12 to court and testify in your presence. Your attorney
13 would have the right to cross-examine the witnesses for
14 the government, to object to evidence offered by the
15 government, to offer witnesses and other evidence on your
16 behalf, as well as to subpoena or to compel witnesses to
17 come to court and testify. Do you understand all those
18 rights?

19 THE DEFENDANT: Yes, I do understand
20 everything.

21 THE COURT: By pleading guilty, and if I
22 recommend that the district judge accept your plea and
23 that's what the district judge does, you're giving up
24 your right's that I've just described. You're giving up
25 your right to confront the witnesses who would testify

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1 against you, you're giving up your right to offer
2 evidence on your own behalf, you're giving up your right
3 to compel witnesses to come to court and to testify,
4 you're giving up your right to raise any defenses that
5 you may have. Do you understand that?

6 THE DEFENDANT: Yes.

7 THE COURT: Were there to be a trial in your
8 case, you would have the right to testify on your own
9 behalf, if you wanted to do so, but you could not be
10 required to testify. Under the Constitution of the
11 United States, a defendant in a criminal case cannot be
12 forced to take the witness stand at his own trial, and
13 say anything that could be used against him to show he is
14 guilty of the crime or crimes with which he is charged.
15 So if you decided not to testify at your trial, the court
16 would instruct the jurors that the jurors could not hold
17 that fact against you. This would be called "exercising
18 your right against self-incrimination." Do you
19 understand?

20 THE DEFENDANT: Yes.

21 THE COURT: By pleading guilty, you would be
22 admitting your guilt, and giving up this right. You'd be
23 giving up your right against self-incrimination.

24 If you plead guilty, I'm going to have to ask
25 you questions about what you did in order to satisfy

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1 myself and, in turn, Judge Korman, that you are, in fact,
2 guilty of the charge to which you are pleading guilty.
3 You're going to have to answer my questions truthfully
4 and acknowledge your guilt. And I'll remind you that
5 you've taken an oath to answer my questions truthfully.
6 Do you understand?

7 THE DEFENDANT: Yes.

8 THE COURT: In other words, it's not going to
9 be enough for you simply to say that you're guilty; you
10 are going to have to tell me what it is that you did that
11 makes you guilty of the charges to which you are pleading
12 guilty.

13 If you plead guilty, and I recommend that the
14 district judge accept your plea, and that's what he does,
15 you will be giving up your constitutional right to a
16 trial, and all of the other rights that I just discussed.
17 There will be not be a trial in your case. If the
18 district judge accepts your plea, he will simply enter a
19 judgement of guilty based on your guilty plea. Do you
20 understand that?

21 THE DEFENDANT: Yes, I do understand.

22 THE COURT: If after you are sentenced, you or
23 your attorney thinks the court has not properly followed
24 the law in sentencing you, you can generally appeal your
25 sentence to a higher court or to an appellate court. But

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1 by pleading guilty, you will not, except under very
2 limited circumstances, be able to challenge your
3 judgement of conviction by appeal or by collateral
4 attack. Do you understand that?

5 THE DEFENDANT: Yes, I do understand.

6 THE COURT: Okay. We're going to go over the
7 plea agreement in a minute, but I want to draw your
8 attention at this time to paragraph 4 of the plea
9 agreement, which is a limitation on this appellate right.
10 I'm going to read the relevant part of the paragraph
11 right now.

12 What is says is "The defendant agrees not to
13 file an appeal or otherwise challenge by petition,
14 pursuant to 28 United States Code, Section "2255" or any
15 other provision, the conviction or sentence, in the event
16 that the court imposes a term of imprisonment of 327
17 months or below."

18 So although you are usually allowed to appeal
19 your sentence if you think that the court has not
20 properly followed the law in sentencing you, your
21 agreement provides a limitation with regard to that
22 right. Do you understand that?

23 THE DEFENDANT: Yes.

24 THE COURT: Okay. All right.

25 Are you willing to give up your right to a

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1 trial and the other rights that I've just gone over?

2 THE DEFENDANT: Yes.

3 THE COURT: All right. We're going to look at
4 the plea agreement. I understand this was translated for
5 you from English to Spanish. Is that correct?

6 THE DEFENDANT: Yes.

7 THE COURT: Okay. All right.

8 So I've marked your plea agreement as
9 Government Exhibit 3; that's because two of your
10 co-defendants have already pleaded and their plea
11 agreements have been marked Exhibits 1 and 2. So yours
12 is going to be 3.

13 MR. ROSENBERG: Judge, may I just say to be
14 precise --

15 THE COURT: Yes.

16 MR. ROSENBERG: The version that was translated
17 was the identical to the plea agreement that's in the
18 court except for the date that -- that the defendant had
19 a key part, that was changed and that's the only change
20 that was made other than the change that we made today
21 under that was signed and initialed by counsels and by
22 the defendant. But I just want to be precise about that.
23 The plea agreement that was translated from English into
24 Spanish is identical, except for that -- to the plea
25 agreement before the court.

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1 THE COURT: All right. So is that the
2 government's understanding as well.

3 MS. LEE: That is. The only other changes --
4 change is that actual U.S Attorney on the signature.

5 THE COURT: Right.

6 MS. LEE: But aside from that, my understanding
7 is exactly the same as the defense counsel's.

8 THE COURT: Okay. All right.

9 So, Mr. Martinez-Rojas, do you understand what
10 the attorney's were just telling me?

11 THE DEFENDANT: Yes.

12 THE COURT: All right. All right. Let me just
13 ask Mr. Rosenberg, were all formal plea offers by the
14 government conveyed to the defendant?

15 MR. ROSENBERG: Yes, your Honor.

16 THE COURT: All right.

17 So, Mr. Martinez-Rojas, I have the English
18 language copy here which has been marked as Exhibit 3.
19 And we just went over -- was this -- but let me make sure
20 from your perspective, was the plea agreement translated
21 for you from English to Spanish?

22 THE DEFENDANT: Yes.

23 THE COURT: Okay. And was that translation
24 done with the assistance of an interpreter and your
25 attorney?

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1 THE DEFENDANT: Yes, all the time.

2 THE COURT: All right. Do you understand all
3 of the terms of the plea agreement, which is Exhibit 3?

4 THE DEFENDANT: Yes.

5 THE COURT: Does the written plea agreement
6 accurately represent the entire understanding or
7 agreement that you have with the government?

8 THE DEFENDANT: Yes.

9 THE COURT: Has anyone made any promise or
10 assurance to you that's not included in the plea
11 agreement to persuade you to accept the plea?

12 THE DEFENDANT: No, no.

13 THE COURT: Has anyone threatened you in any
14 way to persuade you to accept the plea agreement?

15 THE DEFENDANT: No.

16 THE COURT: All right. We're going to look at
17 the 13th page of the document. In the middle of the page
18 it says, "I have read the entire agreement and discussed
19 it with my attorney. I understand all the terms and I'm
20 entering into it knowingly and voluntarily." Is that a
21 correct statement?

22 THE DEFENDANT: Yes.

23 THE COURT: All right. Mr. Martinez-Rojas, I'm
24 going to hold up my copy, which is Exhibit 3; right below
25 the two sentences I just read is your name, and a

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1 signature there. Is that your signature?

2 THE DEFENDANT: Yes.

3 THE COURT: All right. And then Mr. Rosenberg,
4 this is approved by, and then your signature, is that
5 your signature?

6 MR. ROSENBERG: Yes.

7 THE COURT: All right. And then it says
8 "translated by Jose Carlos Finant." Is that correct?

9 MR. ROSENBERG: That was the individual court
10 interpreter that interpreted and translated it.

11 THE COURT: All right. And then Ms. Lee, on
12 the other side, up here, is that your signature?

13 MS. LEE: It is.

14 THE COURT: And then below that, there's a
15 signature from Ms. Margold (ph). Is that her signature?

16 MS. LEE: It is.

17 THE COURT: And she's your supervisor, is that
18 correct?

19 MS. LEE: She is.

20 THE COURT: Okay.

21 MS. LEE: One of many.

22 THE COURT: One of many. In this case, she's
23 your supervisor, right?

24 MS. LEE: She is, she is certainly my
25 supervisor on this case.

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1 THE COURT: Okay. All right. Mr. Rosenberg,
2 have you read and reviewed with your client the written
3 plea agreement before the court, which is Exhibit 3?

4 MR. ROSENBERG: I have.

5 THE COURT: All right. And communicating with
6 your client, is it correct you had the assistance of a
7 Spanish language interpreter?

8 MR. ROSENBERG: Indeed, yes, your Honor.

9 THE COURT: And does this agreement, Court
10 Exhibit 3, reflect your understanding of the entire
11 agreement that your client has entered into with the
12 government?

13 MR. ROSENBERG: Yes, your Honor.

14 THE COURT: All right.

15 Mr. Martinez-Rojas, do you understand that if
16 you fail to comply fully with your agreement with the
17 United States Government, the government will be released
18 from its obligations, but you will not be released from
19 your plea of guilty?

20 THE DEFENDANT: Yes, yes, I understand.

21 THE COURT: All right. We're going to go over
22 some of the possible consequences to you with a regard to
23 a guilty plea. These are outlined in paragraph 1 of the
24 plea agreement.

25 So it's my understanding that what's proposed

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1 is you're going to plead guilty to Count 1 and Count 23
2 of the superseding indictment in this case. Those two
3 counts charge you with a violation of some federal law,
4 particularly 18 United States Code, Section 1962c and
5 1591a. As part of your guilty plea as proposed that
6 you're going to admit as racketeering acts, your
7 participation in sex trafficking of Jane Doe number 1,
8 that's included in racketeering acts 3(a) as well -- and
9 Count 7 of the superseding indictment. As well as sex
10 trafficking of Jane Doe number 9, which is alleged is a
11 racketeering act, 11(a) and in Count 23. So what I'm
12 going to tell you now about the possible sentencing
13 consequences are connected to those pleas.

14 The plea is with regard to those counts and
15 those racketeering acts.

16 With regard to Count 1, the maximum term of
17 imprisonment is life, the minimum term of imprisonment is
18 zero years. The maximum supervised release term is five
19 years, it would follow any term of imprisonment. If a
20 condition of release is violated, you may be sentenced
21 for up to five years, without credit for pre-release
22 imprisonment or time previously served on post-release
23 supervision.

24 While on supervised release, there may be many
25 restrictions on your liberty, even though you're no

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1 longer incarcerated. Those may include travel
2 limitations, requirements that you report to a probation
3 officer, and other limitations.

4 All right. Do you understand what I've covered
5 so far, in terms of imprisonment, life, minimum term of
6 imprisonment, zero years and the terms of supervised
7 release?

8 THE DEFENDANT: Yes, I do understand.

9 THE COURT: All right. Additional consequences
10 include possibly the following. Maximum fine, the
11 greater of \$250,000 or twice the gross gain or twice the
12 gross loss. Do you understand that?

13 THE DEFENDANT: Yes.

14 THE COURT: Restitution is mandatory in the
15 amount of -- full amount of each victim's loss as
16 determined by the court. You're going to be charged \$100
17 special assessment. Do you understand those provisions?

18 THE DEFENDANT: Yes.

19 THE COURT: Additionally, your plea of guilty
20 to these counts will likely result in your removal from
21 the United States. This is described in paragraph 8 of
22 the plea agreement which is Court Ex -- sorry, is
23 government Exhibit 3. I'm going to go over that,
24 paragraph 8 now. It say's that "you recognize that
25 pleading guilty may have consequences with regard to any

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1 immigration status you may have in the United States, if
2 you are not a citizen of the United States." Under
3 federal law, a broad range of crimes, are what are call
4 "removable offenses," including those to which is
5 proposed that you are going to plead guilty.

6 Because you're pleading guilty to the
7 particular crimes of racketeering involving sex
8 trafficking and interstate prostitution, your removal
9 from the United States is presumptively mandatory. But
10 you should know, the immigration consequences, including
11 removal, are the subject of a separate proceeding. So
12 that no one here, not your lawyer, not the government's
13 lawyer, not the court can predict with certainty the
14 effect of your conviction on any immigration status you
15 have in the United States. Do you understand that?

16 THE DEFENDANT: Yes.

17 THE COURT: All right. Is it correct that you
18 affirm that you still want to go ahead with your guilty
19 plea regardless of any immigration consequences that your
20 plea may entail? Even if your consequences are automatic
21 removal from the United States?

22 THE DEFENDANT: Yes, yes.

23 THE COURT: Other penalties include the
24 following. Sex Offender registration, pursuant to the
25 "Sex Offender Registration Notification Act," which is

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1 described in paragraph 11 of your plea agreement. Did
2 you go over paragraph 11 with your attorney?

3 THE DEFENDANT: Yes.

4 THE COURT: And do you understand it?

5 THE DEFENDANT: Yes.

6 THE COURT: All right. And is it a correct
7 statement, what's included in paragraph 11?

8 THE DEFENDANT: Yes.

9 THE COURT: Okay. Additional consequences may
10 include, criminal forfeiture which is described in
11 paragraph 6 and 7 of the agreement. Did you review
12 paragraphs 6 and 7 of your plea agreement?

13 THE DEFENDANT: Yes.

14 THE COURT: Okay. I'm going to hold -- well,
15 did you review it with your attorney?

16 THE DEFENDANT: Yes.

17 THE COURT: All right. And is it correct,
18 paragraphs 6 and 7?

19 THE DEFENDANT: Yes.

20 THE COURT: All right. I'm going to hold up my
21 copy of the plea agreement which includes a change to
22 paragraph 6. It's been handwritten in and initialed. So
23 what the second sentence of paragraph 6 now says is,
24 "that the defendant represents that he has disclosed all
25 his assets to the United States on the financial

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1 statement entitled, United States Department of Justice
2 Financial Statement, here and after, it's called the
3 Financial Statement. A copy of which is to be provided
4 within 30 days." Do you understand that sentence?

5 THE DEFENDANT: Yes.

6 THE COURT: All right. I'm going to hold up
7 the copy and show it to you. Is this -- I'm pointing to
8 the signature, or sorry, the initials at the bottom. Are
9 those your initials?

10 THE DEFENDANT: Yes.

11 THE COURT: Mr. Rosenberg, are your initials
12 here?

13 MR. ROSENBERG: Yes.

14 THE COURT: And then Ms. Lee, on behalf of the
15 United States, are those your initials next to --

16 MS. LEE: Yes, your Honor.

17 THE COURT: Okay. All right.

18 Mr. Martinez-Rojas, do you understand that
19 parole has been abolished in the federal system? So that
20 if you're sentenced to a prison term, you'll not be
21 released on parole, and you'll be required to spend the
22 entire period of that term in prison?

23 THE DEFENDANT: Yes.

24 THE COURT: All right.

25 I'm going to go over the possible sentencing

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1 consequences of Count 23. The maximum term of
2 imprisonment is life. Do you understand that?

3 THE DEFENDANT: Yes.

4 THE COURT: The minimum term of imprisonment is
5 15 years. Do you understand that?

6 THE DEFENDANT: Yes.

7 THE COURT: The minimum supervised release term
8 is five years. The maximum supervised release term is
9 life, it would follow any term of imprisonment. If a
10 condition of release is violated, you may be sentenced
11 for up to life without credit for prerelease imprisonment
12 or time previously served on post-released supervision.
13 If you commit any criminal offense, under particular
14 federal laws, Chapter 109(a), 110 or 117, or Title 18 of
15 the United States Code, Sections 1201 or 1509 for which
16 imprisonment for a term longer than one year can be
17 imposed, you shall be sentenced for not less than five
18 years and up to the maximum term of imprisonment for the
19 offense which is set forth in paragraph 1(a), which is
20 life.

21 All right. I've already described for you what
22 supervised release is. Do you understand this provision
23 of supervised release as it related to Count 23?

24 THE DEFENDANT: Yes, yes.

25 THE COURT: All right. So additionally,

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1 possible sentencing consequences include the following.
2 Maximum fine, the greater of \$250,000 or twice the gross
3 gain or twice the gross loss. Do you understand that?

4 THE DEFENDANT: Yes, I do understand.

5 THE COURT: Restitution is mandatory in the
6 full amount of each victim's losses as determined by the
7 court. And additionally, you'll be charged \$100 special
8 assessment. Do you understand that?

9 THE DEFENDANT: Yes.

10 THE COURT: Other penalties include, as I went
11 over for Count 1, and they apply in Count 23, your
12 removal from the United States, which is described in
13 paragraph 8 of the agreement, sex offender registration
14 pursuant to "Sex Offender Registration Notification Act,"
15 as set forth in paragraph 11. And criminal forfeiture
16 which is set forth in paragraphs 6 and 7. Do you
17 understand all of those provisions?

18 THE DEFENDANT: Yes.

19 THE COURT: All right. I'm just going to go
20 back over one aspect of Count 23. It has a minimum term
21 of imprisonment of 15 years. Do you understand that
22 provision?

23 THE DEFENDANT: Yes.

24 THE COURT: All right. Additionally, the
25 sentence imposed on each count may run consecutively. Do

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1 you understand that? It means that there may be one
2 sentence on one count, you'd have to serve that sentence
3 and then the next term of imprisonment on the next count
4 might start. So that's consecutive, one after the other,
5 and not both sentences at the same time. So do you
6 understand what that provision means?

7 THE DEFENDANT: Yes, yes, I do understand.

8 THE COURT: All right. Counsel, I'm just going
9 to ask you again.

10 Did you go over all of the sentencing, possible
11 sentencing consequences with your client?

12 MR. ROSENBERG: I have, your Honor.

13 THE COURT: And do you believe he understands
14 them?

15 MR. ROSENBERG: I do, your Honor.

16 THE COURT: In particular, do you believe he
17 understands that Count 23 carries a minimum term of
18 imprisonment of 15 years?

19 MR. ROSENBERG: My client understands that,
20 your Honor.

21 THE COURT: Okay. All right.

22 Mr. Martinez-Rojas, I'm now going to go over
23 part of the -- an explanation of how the sentencing
24 process works.

25 The sentencing judge does not have complete

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1 discretion to impose a sentence outside of the statutory
2 minimum and maximum sentences set forth in the statute.

3 Do you understand?

4 THE DEFENDANT: Yes, I do understand.

5 THE COURT: Okay. In the sentencing process,
6 as a first step, the judge has to consider advisory
7 sentencing guidelines issued by the U.S. Sentencing
8 Commission to determine what's a reasonable sentence in a
9 criminal case. As a second step, the judge has to
10 consider whether there are any factors present that would
11 allow the sentencing judge to depart from the advisory
12 sentencing guidelines. The judge can depart upwardly or
13 downwardly. Additionally, the judge has to consider the
14 factors that are set forth in a particular federal
15 statute, called 18 United States Code, Section "3553a."

16 The judge considers those factors against all
17 the facts and circumstances of his -- of your case, and
18 it may be that the judge decides to impose what's called
19 a "non-guideline sentence." Do you understand that?

20 THE DEFENDANT: Yes.

21 THE COURT: All right. We're going to go over
22 the sentencing guidelines as the lawyers think they're
23 going to apply to you. But I want to make sure you
24 understand again, even though I've said this before, it's
25 a very, very important term, that Count 23 carries a

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1 minimum term of imprisonment of 15 years.

2 MR. ROSENBERG: I think it's important to point
3 out, your Honor, that the guideline calculation in the
4 plea agreement is the government's position and does not
5 reflect, necessarily the defendant's position. And
6 that's provided for you in the guidelines -- in the plea
7 agreement.

8 THE COURT: Okay. So we're going to go over
9 that in a little bit in more detail and give me about a
10 minute. But let me just make sure Mr. Martinez-Rojas,
11 you understand that Count 23 carries a minimum term of
12 imprisonment of 15 years?

13 THE DEFENDANT: Yes, I do understand that.

14 THE COURT: So as a practical matter, until the
15 date of sentencing, when the district judge has read the
16 transcript of today's proceeding, when he has a
17 presentence report about you, and he hears from you, your
18 lawyer, and the government, you cannot know with
19 certainty what the sentencing guidelines will be for your
20 case, and whether there will be grounds to depart from
21 them. Or whether the court will impose a "non-guideline
22 sentence." Do you understand?

23 THE DEFENDANT: Yes, I do understand,

24 THE COURT: All right. As Mr. Rosenberg is
25 suggesting, there are some estimates that have been

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1 prepared with regard to the guide -- the "sentencing
2 guidelines" as the lawyers may anticipate; they will
3 apply in your case. So Im going to ask them in a moment
4 to give their best estimate of what the guidelines are
5 likely to say in your case. You should note that these
6 estimates are based on the facts available to them at
7 this point, so you should keep in mind that the lawyers
8 could be wrong, that there could be information that they
9 don't have at this time. Do you understand that?

10 THE DEFENDANT: Yes.

11 THE COURT: All right. The plea agreement
12 includes the government's estimate as to what the
13 sentencing guidelines would be in you case. I'm going to
14 ask Ms. Lee, on behalf of the governement, to review the
15 government's position with regard to what they anticipate
16 the advisory sentencing guidelines are going to be for
17 your case. And then after that, I'll ask Mr. Rosenberg
18 to comment on what Ms. Lee says and his position with
19 regard to the sentencing guidelines. So yes, please.

20 MS. LEE: The government estimates an adjusted
21 offense level of 38. This is based on a calculation that
22 includes Jan Doe Number 1, Jane Doe number 4, Jane Doe
23 Number 5, Jane Doe Number 6, Jane Doe Number 7 and Jane
24 Doe Number 9. Each being calculated as a separate count,
25 which the government believes that is required under the

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1 guidelines, as well as alien smuggling and money
2 laundering.

3 The estimate also includes a 2 point reduction
4 for a global reduction, assuming that all eight
5 defendants plead guilty by or on April 19, 2017. As well
6 as a 3 point reduction for acceptance of responsibility,
7 provided that the defendant pleads guilty by today.

8 THE COURT: All right. I'm just following
9 along on page 6.

10 I'm sorry, just to make sure it's right, its 2
11 level reduction for the acceptance of his responsibility?

12 MS. LEE: Two level for global reduction, and
13 that's set forth in calculating the total offense level
14 that's charted, and then as you see, we detailed the 2
15 point and then the 3rd point reduction, which will result
16 overall in a 38. And assuming that the defendant has a
17 criminal history Category of 1, a guideline range of 235
18 to 293.

19 THE COURT: All right. We're going to get to a
20 few other paragraphs in the plea agreement in a moment
21 but I want to draw your attention, Mr. Martinez-Rojas,
22 that I said earlier, that the government's calculation
23 with regard to the sentencing guidelines is set forth in
24 paragraph 2, which is correct and Ms. Lee just
25 articulated the government's position, but it's also tied

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1 to some of the statements that are in paragraph 10, which
2 is that this agreement is conditioned upon the defendants
3 who are listed in paragraph 10 entering guilty pleas,
4 pursuant to formal plea officers, on or before April
5 19th, and the acceptances as pleas by the district judge.

6 All right. So Mr. Martinez-Rojas, do you
7 understand what Ms. Lee just said with regards to what
8 the government's position is with regard to the
9 anticipated sentencing guidelines in your case?

10 THE DEFENDANT: Yes.

11 THE COURT: Okay. All right.

12 So the bottom line of that calculation is that
13 if the government's calculations are correct, we would
14 anticipate the sentencing guidelines proposing a range of
15 imprisonment of 235 or 293 months, based on the
16 assumption that you fall in the criminal history Category
17 1.

18 Mr. Martinez-Rojas, do you understand what I
19 just said?

20 THE DEFENDANT: Yes.

21 THE COURT: Okay. Mr. Rosenberg, your thoughts
22 with regard to the sentencing guidelines that may be
23 applicable to your client?

24 MR. ROSENBERG: Well, I understand the
25 calculation, your Honor, and I understand the

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1 government's position, we've reserved as to the plea
2 agreement that states "we reserve our right to contest
3 that enhancements in particular, at the time of
4 sentencing. But I understand what the calculation
5 represents and how it was arrived.

6 THE COURT: Okay. All right. I just don't
7 want to be unclear at all, despite the flexibility of the
8 guidelines, there's still a statutory mandatory minimum
9 in this case.

10 MR. ROSENBERG: Well, that's apart from the
11 mandatory minimum --

12 THE COURT: Um-hum.

13 MR. ROSENBERG: -- so yes, your Honor.
14 We understand that there's a mandatory minimum of 15
15 years. --

16 THE COURT: Okay.

17 MR. ROSENBERG: -- in any event.

18 THE COURT: All right. So you raise the other
19 arguments with the district judge when you get to the
20 sentencing date.

21 MR. ROSENBERG: All right.

22 THE COURT: So, Mr. Martinez-Rojas, do you
23 understand the estimate provided by the government is not
24 binding on the government, the probation department or
25 the court?

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1 THE DEFENDANT: Yes, I do understand that.

2 THE COURT: And do you understand if this
3 estimate is wrong that will not be a basis for you to
4 withdraw your plea of guilty?

5 THE DEFENDANT: Yes, I do understand.

6 THE COURT: Do you understand your ultimate
7 sentence could turn out to be different and higher from
8 any estimate your attorney or the government may have
9 given you?

10 THE DEFENDANT: Yes.

11 THE COURT: Do you understand that because of
12 other statutory sentencing factors, the district judge
13 may impose a sentence that's even higher than the one
14 called for by the advisory sentencing guidelines? And if
15 that turned out to be the case, you would not be
16 permitted to withdraw your guilty plea, simply because no
17 one could tell you in advance what your sentence would
18 be?

19 THE DEFENDANT: Yes, yes, I do understand.

20 THE COURT: All right. So what's being
21 proposed here is that you're going to plead guilty to
22 some felonies. If your plea is accepted and you're
23 adjudged guilty of the felonies, to the extent you have
24 certain civil rights in the United States, your
25 adjudication may result in the deprivation of those civil

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1 rights. Some of those civil rights only apply to U.S.
2 citizens, but rather than go into whether you are or
3 aren't a U.S. citizen, I want you to just know, that your
4 adjudication as guilty of the felonies may result in the
5 deprivation of such rights.

6 All right, so I've gone over with you many of
7 the possible consequences if your plea of guilty is
8 accepted. Do you understand these possible consequences?

9 THE DEFENDANT: Yes, I do understand.

10 THE COURT: Did you review them with your
11 attorney?

12 THE DEFENDANT: Yes.

13 THE COURT: Did you have a sufficient
14 opportunity to consult with your attorney about them?

15 THE DEFENDANT: Yes, yes.

16 THE COURT: All right. Do you have any
17 questions for me before we continue?

18 THE DEFENDANT: No.

19 THE COURT: Okay. All right. I'm going to turn
20 to the lawyers for a little bit.

21 All right, so for Ms. Lee, on behalf of the
22 government, we are prepared to prove at trial all of the
23 elements of the counts against the defendant?

24 MS. LEE: Yes, your Honor.

25 THE COURT: All right. And this morning you

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1 gave me a copy of an outline of the statutes and
2 essential elements of the counts in this Rendon-Reyes
3 case.

4 Defendant's counsel, do you have a copy of that
5 document?

6 MR. ROSENBERG: Yes, I was handed that this
7 morning, your Honor.

8 THE COURT: All right. Did you have a
9 sufficient opportunity to look at it?

10 MR. ROSENBERG: Yes.

11 THE COURT: All right. So Ms. Lee, are the
12 elements of the offenses that to which it's proposed the
13 defendant's going to plead guilty set forth on these
14 pages?

15 MS. LEE: They are, your Honor.

16 THE COURT: Okay. All right.

17 So what evidence would the government offer at
18 trial in order to show the defendant's guilt of the
19 counts against him in the superseding indictment?

20 MS. LEE: The government, based on victim
21 testimony, wire transfer records, Title 3 wire tap as
22 well as a number of other border crossing and documentary
23 records, would establish that the defendant was a member
24 of the Rendon-Reyes trafficking organization, which was a
25 criminal organization that operated in Queens, Atlanta,

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1 Alabama and Mexico and other locations. And that the
2 organization was involved in a variety of criminal
3 activities, including, sex trafficking of women and minor
4 girls; that their enterprise trafficked women from Mexico
5 into the United States, and throughout the United States,
6 affecting interstate commerce and that the defendant was
7 a member of that enterprise.

8 The government would further prove with respect
9 to what the defendant intends to plead guilty today, with
10 respect to Racketeering Act 3(a), that in or about and
11 between December 2004 to December 2016, the defendant
12 knowingly transported and recruited Jane Doe number 1
13 into the United States from Mexico using force, fraud and
14 coercion, and with respect to Racketeering Act 11(a) as
15 well as Count 23, the government would prove that in
16 between April 2010 and June 2014, the defendant, through
17 force, fraud and coercion, caused Jane Doe number 9 to be
18 brought from Mexico to the United States for the purposes
19 of prostitution.

20 THE COURT: All right, Mr. Martinez-Rojas, do
21 you understand what Ms. Lee just said on behalf of the
22 government?

23 THE DEFENDANT: Yes.

24 THE COURT: Okay. All right. Mr. Rosenberg, do
25 you agree that the government would be able to prove the

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1 defendant's guilt at trial based on the evidence just
2 described by the government?

3 MR. ROSENBERG: Yes, your Honor.

4 THE COURT: All right. Do you know of any
5 reason why the defendant should not plead guilty?

6 MR. ROSENBERG: No, your Honor.

7 THE COURT: Are you aware of any legal --
8 viable legal defenses to the charges against him?

9 MR. ROSENBERG: No, your Honor.

10 THE COURT: In your opinion, is this plea in
11 your client's best interest.

12 MR. ROSENBERG: Yes, your Honor.

13 THE COURT: Okay. All right. So let's just go
14 back briefly to the plea agreement. I wanted -- I had
15 said we would go over the rest of the paragraphs.

16 So, Mr. Martinez-Rojas, in reviewing government
17 Exhibit 3, which is your plea agreement, I've highlighted
18 some paragraphs but the entire agreement is your
19 agreement with the United States Government. So let me
20 just confirm.

21 Do you understand your agreement with the
22 government?

23 THE DEFENDANT: Yes.

24 THE COURT: All right. And did you have
25 sufficient opportunity to review it with Mr. Rosenberg,

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1 your attorney?

2 THE DEFENDANT: Yes.

3 THE COURT: All right. So as I've mentioned
4 earlier, what the plea agreement says is that it's
5 proposed that you're going to plead guilty to the Counts
6 1 and 23 of the superseding indictment.

7 So are you ready to plead at this time?

8 THE DEFENDANT: Yes.

9 THE COURT: Do you need an opportunity to speak
10 with Mr. Rosenberg before you do this? Before you enter
11 your plea?

12 THE DEFENDANT: No, everything is fine.

13 THE COURT: Okay, All right.

14 So, Mr. Martinez-Rojas, with regard to Count 1
15 of the superseding indictment in this case, how do you
16 plead, "guilty or not guilty?"

17 THE DEFENDANT: I didn't understand, could you
18 repeat the question?

19 THE COURT: With regard to Count 1 of the
20 superseding indictment how do you plead, "guilty" or "not
21 guilty?"

22 THE DEFENDANT: Guilty.

23 THE COURT: And with regard to Count 23 of the
24 superseding indictment, how do you plead, "guilty" or
25 "not guilty?"

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1 THE DEFENDANT: Guilty.

2 THE COURT: All right. Let me briefly ask
3 Mr. Rosenberg, with regard to the allocution, is your
4 client going to allocute to the two counts separately or
5 in a unified allocution?

6 MR. ROSENBERG: Yes, we can combine it, your
7 Honor. My client and I, in preparation for today, have
8 gone over the elements and gone over his participation in
9 the offenses that he's pleading guilty to. We've
10 prepared a written allocution with the court's permission
11 and my client read from that.

12 THE COURT: Yes.

13 MR. ROSENBERG: We combined both counts.

14 THE COURT: All right. That's fine.

15 So, Mr. Martinez-Rojas, in your own words,
16 please tell me what it is that you did, such that you
17 are, in fact, guilty of Count 1 and Count 23 of the
18 superseding indictment.

19 THE DEFENDANT: I'm gonna read from this.

20 THE COURT: Yes, that's fine. Mr. Rosenberg
21 mentioned that to me. Thank you.

22 Wait. I'm sorry. I'm going to interrupt you
23 One second.

24 We need it to be translated back now from
25 Spanish to English into the record, so if you can go a

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1 little slower and take some breaks.

2 THE DEFENDANT: Within the times mentioned in
3 the indictment, I was a member of family organization.
4 And I participated in it helping to achieve the goals and
5 purposes of that organization. And I was down in an
6 agreement with other people in the organization that we
7 were going to bring foreign women into the United States
8 by smuggling them. Including Queens, New York.

9 I helped smuggle these women crossing state
10 borders with the purpose of the organization becoming
11 richer through their work, through the work as
12 prostitutes in this country. Including Queens, New York.

13 In particular, I influenced Jane Doe's number 1
14 and number 9, to engage in prostitution in based -- based
15 on making false promises to them. And in such a way,
16 convincing them to become prostitutes, when on such
17 occasions they didn't want to do it. That's it.

18 THE COURT: All right. When you say the dates
19 in the indictment, is that between 2004 and 2016? Is
20 that correct?

21 MR. ROSENBERG: I believe so, your Honor.

22 THE DEFENDANT: Yes.

23 THE COURT: All right. I'm just comparing what
24 you said to the elements.

25 When you mentioned the family organization, is

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1 that Rendon-Reyes family that's mentioned and discussed
2 in the indictment?

3 THE DEFENDANT: That's right.

4 THE COURT: Okay. And when you brought the
5 women into the United States, did you bring them from
6 Mexico? Or participate in bringing them from Mexico?

7 THE DEFENDANT: Yes, from Mexico.

8 THE COURT: All right. Mr. Rosenberg, do you
9 want your client to add anything else to the record?

10 MR. ROSENBERG: No, your Honor.

11 THE COURT: All right. For the government, is
12 that a sufficient allocution?

13 MS. LEE: It is, your Honor.

14 THE COURT: Okay. All right.

15 Mr. Martinez-Rojas, let me ask you a few other
16 questions.

17 Are you pleading guilty voluntarily and of your
18 own free will?

19 THE DEFENDANT: Yes.

20 THE COURT: Has anyone made any threats to
21 induce you to plead guilty?

22 THE DEFENDANT: No.

23 THE COURT: Other than the promises contained
24 in the written agreement, which is government Exhibit 3
25 that you have entered into with the government, has

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1 anyone made any other promises to induce you or to get
2 you to plead guilty?

3 THE DEFENDANT: No, nobody.

4 THE COURT: Has anyone made any promise to you
5 as to what your final sentence will be?

6 THE DEFENDANT: No.

7 THE COURT: Are you pleading guilty of your own
8 free will because, you are, in fact, guilty of Counts 1
9 and Counts 23 of the superseding indictment?

10 THE DEFENDANT: Yes, that's right.

11 THE COURT: Okay. All right.

12 Based on what's been said here today by counsel
13 and by Mr. Martinez-Rojas, I believe that he is fully
14 competent, I believe he's capable of entering an informed
15 plea, I believe he's acting voluntarily, I believe he
16 understands the charges against him, that he understands
17 his rights, and that he understands the consequences of
18 his plea. I also believe there's a factual basis on the
19 record to support each of the elements of the offense as
20 to Count 1 and Count 23 of the indictment.

21 So I therefore recommend that the district
22 judge, Judge Korman, accept Mr. Martinez-Rojas plea of
23 guilty to Counts 1 and 23 of the superseding indictment.

24 All right. So as I mentioned earlier, Mr.
25 Martinez-Rojas, there's going to be a report prepared

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1 about you that will be given to the district judge for
2 his consideration in connection with your sentence. So I
3 encourage you to cooperate when that report is being
4 prepared.

5 Mr. Rosenberg, would you like to be a part of the
6 interview process and the --

7 MR. ROSENBERG: I would, your Honor.

8 THE COURT: All right. So we'll let probation
9 know that. All right. Just for the record, I'm going to
10 give the original of this agreement back to Ms. Lee, to
11 the government, so she's going to hold government Exhibit
12 3. I'll just remind you that the financial statement
13 needs to be provided to make that plea agreement
14 complete.

15 All right. My understanding is your client is
16 going to remain in custody. Is that right?

17 MR. ROSENBERG: Yes.

18 THE COURT: There's no bail application?

19 MR. ROSENBERG: No, your Honor.

20 THE COURT: All right. And are there any
21 medical issues that need attention?

22 MR. ROSENBERG: No, your Honor.

23 THE COURT: Anything else that we've covered
24 here?

25 MR. ROSENBERG: I think we're good, your Honor.

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1 THE COURT: Okay, so we've been trying to
2 schedule the rest of the pleas because obviously, this --
3 we went over earlier, involved a global plea so just for
4 the record, as soon as Ms. Lee can give us an update to
5 the scheduling. I know you were talking with me and Ms.
6 Quinlan earlier about it. But let's just put it on the
7 record as to the progress of the scheduling.

8 MS. LEE: At this point, we have five of the
9 eight scheduled, and are very hopeful to get the
10 remaining scheduled in time, if not, a day or so after,
11 which the government would not -- the government would
12 think is fine.

13 THE COURT: All right. It satisfies the April
14 19th --

15 MS. LEE: It satisfies the April 19th date if
16 we have to push it a couple of days just because of
17 scheduling issues.

18 THE COURT: All right. But we're working, and
19 -- my deputy is working with you to get it scheduled --

20 MS. LEE: That's very helpful.

21 THE COURT: -- as close as we can by the 19th.

22 MS. LEE: By the 19th.

23 THE COURT: Okay.

24 All right, any other issues that need to be put
25 on the record today?

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1 MR. ROSENBERG: Nothing further from us, your
2 Honor. Thank you.

3 THE COURT: All right. Thank you.

4 All right. Take care Mr. Martinez-Rojas.
5 Thanks to the interpreter for doing that very long
6 session.

7 MS. LEE: Thank you, your Honor.

8 MR. ROSENBERG: Thank you.

9 (Matter concluded as of this date)

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C E R T I F I C A T E

I, ROSALIE LOMBARDI, hereby certify that the foregoing transcript of the said proceedings is a true and accurate transcript from the electronic sound-recording of the proceedings reduced to typewriting in the above-entitled matter.

I FURTHER CERTIFY that I am not a relative or employee or attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

IN WITNESS WHEREOF, I hereunto set my hand this 9th day of May, 2017.


Rosalie Lombardi
Transcription Plus II